IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 13769 of 2005

Between:

Daggupati Vijayalakshmi, w/o Adinarayana,
r/o Dr.No.6/969-A, Noonevaripalli Village, H/o Rajampet,
Cuddapah District.

..... PETITIONER

AND

The Special Officer, (Revenue Divisional Officer),
Rajampet Municipality, Rajampet, Cuddapah District.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of mandamus, or any other appropriate writ, order or direction, declaring the action of the respondent in not providing the water supply connection for the building bearing Dr.No.6/969-A, Nanevaripalli, Rajampet Municipality, Cuddapah District inspite of sanctioning the same vide Roc.No.64/2002-03, dated 18-02-2003 as arbitrary, illegal, null and void, against the norms of the public policy and contrary to Sec.140 of A.P. Municipalities Act, 1965 and consequently direct the respondent authority to provide water supply connection forthwith to the building bearing Dr.No.6/969-A, Nanevaripalli, Rajampet Municipality, Cuddapah District.

Counsel for the Petitioner: MR.VENKATESWARA RAO GUDAPATI

Counsel for the Respondent : MR.S.I.NEWTON

The Court made the following :

ORDER:

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The Writ Petition is filed seeking a writ of mandamus declaring the inaction of the respondent in providing water supply connection for building bearing door no. 6/969-A, Nanevaripalli, Rajampet municipality, Cuddapah district in spite of sanctioning the same through proceedings dated 18.02.2003, as illegal and arbitrary and contrary to the provisions of Section 140 of the Andhra Pradesh Municipalities Act, 1965 (for short, 'the Act').

It is the case of the petitioner that on 14.02.2003, she made an application to the then gram panchayat of Rajampet for water tap connection to the said building, which is in the name of one G.Chenchaiah Naidu, who is her sister's husband, and the same was granted on 18.02.2003. It is submitted that due to some civil disputes, the said Chenchaiah Naidu made a representation to the respondent not to give water tap connection to the house and in view of the same the respondent is not giving the same, in spite of several representations by petitioner. Hence, the Writ Petition.

The learned counsel for the petitioner contends that as per Section 140 of the Act, either the owner or occupier of a building is entitled to supply of water to the building when there is a pipe supply of water, and therefore, the action of the respondent in not giving water connection to the petitioner's building, which was already sanctioned as per the proceedings dated 18.02.2003 at the instance of the petitioner, is illegal.

After hearing both sides and considering the material, it is seen that as per Section 140 of the Act, in municipalities in which there is a pipe supply of water, the Chairperson may, on application by the owner or occupier of any building, arrange, in accordance with the bye-laws, to supply water thereto for consumption and use. Considering the facts and circumstances of the case and as per the aforesaid provision of law, I am satisfied that the petitioner, who is the occupier of the said

building, is entitled for the water supply connection from the pipe of the municipality.

The Writ Petition is, accordingly, disposed of with a direction to the respondent to give water supply connection to the said building as per the sanction order dated 18.02.2003, within a period of two weeks from the date of receipt of copy of this order, after collecting necessary fee in accordance with law or bye-laws from the petitioner. No costs.

28.06.2005

DRK

Copy to:

1) The Special Officer, (Revenue Divisional Officer), Rajampet Municipality, Rajampet, Cuddapah District.

2) Two CD copies.